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*Attorneys for Defendant Jay Lapine*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES W. McCALL, and JAY LAPINE,

Defendants.

Case No: **CR 00-0505-WHA**

**STIPULATION AND [PROPOSED]  
ORDER RE RETURN OF DEFENDANT  
JAY M. LAPINE'S PASSPORT**

The United States and defendant Jay Lapine, through their respective counsel, stipulate and agree as follows:

**RECITALS**

1. On June 4, 2003, this Court unsealed a second superseding indictment containing charges against Mr. Lapine. Trial in this matter began on September 11, 2006. On November 3, 2006, the jury returned a verdict of not guilty as to Mr. Lapine on Count 1 of the Indictment. The jury was unable to reach a verdict as to Mr. Lapine on any of the remaining six counts, and the Court declared a mistrial as to Count 2, 4, 5, 6, 7, and 8 of the Indictment and discharged the jury. The United States intends to re-try Mr. Lapine on those counts. A trial date is presently set in this matter for October 26, 2009.

2. Defendant Jay Lapine has previously surrendered his passport to the Court as a condition of his personal recognizance bond release.

3. On June 10, 2008 the Court signed an Order, allowing Mr. Lapine to retain his passport so could undertake business travel abroad during the period from June 27, 2008 to December 31, 2008.<sup>1</sup> The Order stated that during the time periods when Mr. Lapine was not traveling, he would lodge his passport with his counsel<sup>2</sup> in this matter and that counsel for Mr. Lapine would notify the government prior to Mr. Lapine commencing any international travel. This was one of five prior stipulations and Orders granting Mr. Lapine permission to obtain his passport for business travel abroad. The Court also permitted Mr. Lapine to renew his passport in an order dated June 21, 2007.

4. Mr. Lapine is employed as the Vice President and General Counsel of Intralot, Inc. Intralot's parent company is based in Greece. In this position, Mr. Lapine needs to travel internationally, often with little prior notice. Mr. Lapine may be required to travel internationally prior to his October 26, 2009 trial date

5. Mr. Lapine also works as a captain of charter sailing boats. Mr. Lapine currently has been commissioned to captain a sail boat through Bahamas from April 6, 2009 through and including April 13, 2009.

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<sup>1</sup> On February 10, 2009 counsel for Mr. Lapine received a call from the Clerk of the Court informing counsel that Mr. Lapine had not re-lodged his passport with the Court. Counsel informed both the Court Clerk and Assistant United States Attorney Timothy Crudo that counsel inadvertently forgot to re-lodge Mr. Lapine's passport with the Court. Mr. Lapine's passport was re-lodged on February 12, 2009.

<sup>2</sup> Counsel may be either Rogers & Hardin in Atlanta, Georgia or Kasowitz, Benson, Torres & Friedman in San Francisco, California. Notice will be given to the government when and where the passport is lodged.

STIPULATION

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED, that Mr. Lapine, with this Court's permission, retain his United States Passport so that he may undertake travel abroad during the period from February 20, 2009- October 26, 2009. When Mr. Lapine is not traveling, he will lodge his passport with his counsel in this matter and counsel for Mr. Lapine will notify the government prior to Mr. Lapine commencing any international travel. Mr. Lapine will return his passport to the Court on or before October 26, 2009.

IT IS SO STIPULATED AND AGREED.

DATED: February 19, 2009

KASOWITZ BENSON TORRES & FRIEDMAN LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
Lyn R. Agre  
*Attorney for Defendant Jay Lapine*

DATED: February 19, 2009

UNITED STATES OF AMERICA

By: \_\_\_\_\_/s/\_\_\_\_\_  
Timothy Crudo, Assistant U.S. Attorney  
*Attorney for The United States*

Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: February 20, 2009

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THE HONORABLE WILLIAM H. ALSUP  
*United States District Judge*

